

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Virgil Lee Lindsey, Jr.,	)	No. CV-13-00032-PHX-ROS
Petitioner,	)	<b>ORDER</b>
vs.	)	
Charles L. Ryan, et al.,	)	
Respondents.	)	

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On November 26, 2013, Magistrate Judge Michelle H. Burns issued a Report and Recommendation (“R&R”) recommending this case be dismissed with prejudice. No party filed objections. Therefore, the R&R will be adopted in full.

Accordingly,

**IT IS ORDERED** the Report and Recommendation (**Doc. 14**) is **ADOPTED** and the Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed in forma pauperis on appeal are **DENIED** because the dismissal of the petition is justified by a plain procedural bar and jurists of reason would not find the procedural ruling debatable.

DATED this 6<sup>th</sup> day of January, 2014.

  
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Roslyn O. Silver  
Senior United States District Judge